



**COMMODITY FUTURES TRADING COMMISSION**

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Division of  
Enforcement

June 2, 2021

**BY ECF**

Hon. John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 14A  
New York, NY 10007-1312

**Re: CFTC v. John David McAfee and Jimmy Gale Watson,  
1:21-cv-1919 (JGK)**

Dear Judge Koeltl:

Plaintiff Commodity Futures Trading Commission (the “CFTC”) respectfully writes the court to provide a status update concerning service of process on Defendant John D. McAfee.<sup>1</sup>

The CFTC understands that McAfee currently is detained in a Spanish prison in connection with extradition requests by the U.S. Department of Justice. In accordance with Rule 4(f)(1) of the Federal Rules of Civil Procedure, the CFTC began the process of serving McAfee through the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”) on April 14 by requesting assistance from the designated central authority in Spain for Hague Convention requests (the Spanish Ministry of Justice) and transmitting the requisite summons, complaint and other initial case documents in English and in Spanish.

Yesterday, on June 1, 2021, the CFTC received in the mail written acknowledgment from the Spanish Ministry of Justice of the request for assistance. The acknowledgment stated further that the request had been forwarded to the competent authorities to comply with the request.

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<sup>1</sup> Defendant Jimmy Gale Watson was served timely, and the Court granted his application for a 90-day extension of the time to respond to the Complaint. See Dkt. No. 13.

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At present, the CFTC cannot estimate how long the process in Spain will take to complete. Because the service is in a foreign country and is proceeding under Rule 4(f), on its own terms Rule 4(m) “does not apply.”

Accordingly, the CFTC respectfully proposes that it provide the Court a status update on its efforts to serve McAfee by July 15, 2021.

Respectfully submitted,

s/David W. Oakland

cc: Arnold Spencer, Esq. (counsel for co-defendant Watson)